

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA §  
§  
v. § CRIMINAL ACTION NO. 4:05-CR-173  
§  
JAMES EDWARD GRIFFIN (1) §

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 26, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Andrew Williams.

James Edward Griffin was sentenced on October 19, 2006, before The Honorable Michael H. Schneider of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Distribute or Dispense or Possess with Intent to Distribute or Dispense Cocaine Base and Marijuana, a Class B felony, and Felon in Possession of a Firearm. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 31 and a criminal history category of II, was 121 to 151 months. James Edward Griffin was subsequently sentenced to 110 months imprisonment as to each count, to be served concurrently, and a 5-year term of supervised release as to each count, to be served concurrently, subject to the standard conditions of release plus special conditions to include: financial disclosure, substance abuse treatment and testing, a \$15,000 fine, and a \$100 special assessment. On February 9, 2012, pursuant to 18 U.S.C. § 3582(c)(2), the term of imprisonment was reduced to 66 months.

On February 17, 2012, James Edward Griffin completed his period of imprisonment and began service of the supervision term.

On November 30, 2012, this case was reassigned to The Honorable Marcia A. Crone.

On February 13, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 965 Sealed]. The Petition asserted that Defendant violated four (4) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not unlawfully possess a controlled substance; (3) Defendant shall refrain from any unlawful use of a controlled substance; and (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1) On January 26, 2017, Defendant was arrested by the McKinney, Texas, Police Department for the offense of Manufacture Delivery CS  $\geq$  1G < 4 G. On January 28, 2017, he posted a \$50,000 surety bond. The alleged offense occurred on July 20, 2016 and has been filed with the Collin County District Attorney's Office; (2) On July 20, 2016, Defendant possessed crack cocaine as alleged in McKinney Police Department Case Number 16-005824; (3) and (4) On March 2, 2012 and June 8, 2012, Defendant submitted urine specimens that tested positive for cocaine.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations three (3) and four (4) of the Petition. Having considered the Petition and the plea of true to allegations three (3) and four (4) the Court finds that Defendant did violate his conditions of supervised release. The Government dismissed the remaining allegations. Defendant waived

his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons medical facility in Ft. Worth, Texas, if available.

**SIGNED this 30th day of May, 2017.**



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Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE